



United States Bankruptcy Court - Northern District of Alabama

Court Newsletter

Upgrade to CM/ECF Release 4.2

CM/ECF Release 4.2

November 29, 2011

Amendments to the Federal Rules of Bankruptcy Procedure

The United States Bankruptcy Court for the Northern District of Alabama upgraded to the latest version of the CM/ECF software, Release 4.2. The primary focus of Release 4.2 is to implement updates to CM/ECF that are consistent with upcoming amendments to the Federal Rules of Bankruptcy Procedure effective December 1, 2011.

New Rule 3002.1 Requirements

New Rule 3002.1 addresses claims filed in chapter 13 cases that are (1) secured by a security interest in the debtor's principal residence and (2) provided for under 11 U.S.C. § 1322 (b)(5) in the debtor's plan. To comply with these changes, several new docket events have been created. The following three new docket events can be filed as a supplement to the claim holder's proof of claim: "Notice of Mortgage Payment Changes," "Notice of Postpetition Fees, Expenses, and Charges," and "Response to Notice of Final Cure Payment." When docketed under Claims Action, the information will appear in the history section of the claims register for the associated claim. The "Notice of Mortgage Payment Changes" event allows the claim holder to inform appropriate case participants when a change in payment amount occurs. The "Notice of Postpetition Fees, Expenses, and Charges" event includes the

claim holder's record of postpetition fees incurred that the holder asserts are recoverable against the debtor or the debtor's principal residence. Finally, the "Response to Notice of Final Cure Payment" is filed and served by the creditor on the debtor, debtor's counsel, and the trustee informing case participants whether the creditor agrees with the trustee that the debtor has cured any default and is otherwise current on mortgage payments at the close of the case. No document number is assigned when these three new events are docketed. The word "doc" appears as a document hyperlink, rather than a document number. When docketing any of these three events, the user must relate the event to a claim; otherwise, he or she will not be able to bypass the claim selection screen.

The remaining three new docket events, "Motion to Determine Mortgage Fees and Expenses," "Notice of Final Cure Mortgage Payment," and "Motion to Determine Final Cure and Mortgage Payment" were also created for new Rule 3002.1. The "Motion to Determine Mortgage Fees and Expenses" may be filed by the debtor or trustee within one year after service of the "Notice of Postpetition Fees, Expenses and Charges." The court shall, after notice and hearing, determine whether payment of any claimed fee, expense, or

charge is required by the underlying agreement and applicable non-bankruptcy law to cure a default or maintain payments. The “Notice of Final Cure Mortgage Payment” is filed and served by the trustee on the holder of the claim, the debtor, and the debtor’s counsel. It is a notice stating that the debtor has paid in full the amount required to cure any default on the claim. The notice shall also inform the holder of its obligation to file and serve a response (Response to Notice of Final Cure Payment). If the debtor contends that final cure payment has been made and that all plan payments have been completed and the trustee does not timely file and serve the required notice, the debtor may file and serve the notice. The “Motion to Determine Final Cure and Mortgage Payment” may be filed by the debtor or trustee within twenty-one days after service of the “Response to Notice of Final Cure Payment.” The court shall, after notice and hearing, determine whether the debtor has cured the default and paid all required postpetition amounts.

Official Form Changes

The following list of CM/ECF national forms have been modified to reflect the upcoming rule amendments: three new proof of claim forms (B10 Attachment A, Supplement 1, and Supplement 2), one substantial redesign of the B10, and fifteen minor changes (B1, 9A-9I, 10, 10-A, 10-S1, 10-S2, 25A, 240 A/B Alt). The updated forms can be obtained at any bankruptcy clerk’s office or by visiting <http://www.uscourts.gov/FormsAndFees.aspx>.

Claims

When entering a claim, if the user fails to input a value in the “Amount Claimed” field, a new message appears: “No Amount Claimed value has been entered. Do you want to continue this filing?” In addition, a message has been added to the Claims Register to indicate the source of the values displayed.

Miscellaneous

The following list provides additional changes the user will notice in CM/ECF Release 4.2:

- The “View Labels” button now functions correctly when a user views the Creditor Mailing Matrix using Firefox 4.0.
- Users may choose to discontinue notices in related cases in the “Maintain Your ECF Account” utility.
- The attorney’s name now appears on the Notice of Bankruptcy Case Filing query.

If you have any questions, please email us at ecftrain@alnb.uscourts.gov.

